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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,357	06/05/2001	Francis Pinault	Q64734	5168

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
POLTORAK, PIOTR	

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/873,357	PINAULT ET AL.	
	Examiner	Art Unit	
	Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 7/17/06.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1,2 and 4-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1,2 and 4-10 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The Amendment, and remarks therein, received on 7/17/06 have been entered and carefully considered.

1. The Amendment introduces a new limitation into the originally sole independent claim 1 and 10 and dependent claims 5-6.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Response to Amendment

3. Applicant's arguments have been carefully considered.

4. Applicant amended claims 5-6 in an attempt to clarify the claim language. However, the claim language of claim 5 is still confusing. For example it is not clear whether "data stream stored in the determination of conformance is retained to enable a further check" recited in claim 5 attempts to point out some kind of a storage device or whether applicant continues to construct a noun using a verb-like phrase. The examiner suggests simplifying the language in order to clearly point out the claim limitations and avoid language ambiguity.

5. As per claim 1 and 10, on page 6 and 7 applicant suggests that the art of record does not teach claimed limitations. Applicant supports the argument with the clarification of the intended meaning of claimed limitations without any concrete arguments that explicitly address the claimed language. As a result, it is not clear which limitations applicant contests when stating that Gupta and Pfleeger do not teach "these feature of the claimed invention".

The examiner addresses only explicitly recited limitations that are allegedly not taught by the art of record. The newly introduced limitations are additionally addressed in the current Office Action.

Applicant argues that "Gupta and Pfleeger systems are not in a private network. Nor is there an intermediate server". Instead, the cited references deal with a direct access from a computer to the Internet wherein the filtering means reside in the user terminal.

The examiner points out that nowhere in the claim language applicant recites "an intermediate server". Furthermore, "protected or 'inside' network" (or Local Area Network) recited by Pfleeger reads on a private network.

Applicant argues that Pfleeger does not discuss content filtering but rather packet filtering for routing purposes.

The examiner points out that packets comprise content; thus, packet filtering reads on content filtering. It appears that applicant confuses content filtering with filtering based on data content. The claim language in claims 1 and 10 suggests only content filtering (e.g. filtering on said multimedia data stream) and do not further limit the filtering to content-based filtering. The disclosure of "filtering on said multimedia data stream" recited in claims 1 and 10 can be found in paragraph 15 of the previous Office Action.

Applicant attempts to distinguish the art of record from applicant's invention stating that: "in public network, it is the operator or the user who defines the filtering rules,

whereas in the present invention, it is the private network (i.e., the company managing the private network) which specifies the filtering rules.

The examiner already established (see a response to the first argument) that the art of record is relevant to private networks. However, even if it was not the case it is not clear how applicant's argument is relevant to the invention as claimed.

Furthermore, it is not clear how company and NOT the operator or the user define filtering rules. The examiner points out that a company is an abstract entity and company rules are defined by people, e.g. operators/users. If applicant meant that filtering was subcontracted to another corporation, applicant should place such a limitation into the claim language in order for the arguments to be applicable.

Applicant attempts to distinguish the art of record by stating the differences between art of record with applicant's invention reciting alleged differences and reasons for differences between a public and a private network.

However, not only applicant provides no evidence support to all of applicant's assertion but also the relevance of applicant's arguments to the art of record presented in rejection of claim language is not clear.

As per applicant's argument that there is no temporary storing in the art of record the examiner points out that any computer device that receives data inherently temporarily stores the data. The receiving data, even if only for filtering purposes, would not be possible if a receiving device had no capability of storing data at least temporary, e.g. memory.

6. In light of the remarks above, claims 1-2, 4-7 and 9-10 remain rejected.

7. Claims 1-2 and 4-10 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

   In particular it is not clear how particular filtering criteria can be specified by a private network as recited in claims 1 and 10. A network is an abstract entity and it is not clear how a network and not a user can specify filtering criteria.

9. Claim 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

   It is not clear how particular filtering criteria can be specified by a private network as recited in claims 1 and 10, in particular since in Remarks (first paragraph, pg. 8) applicant attempts to distinguish filtering rules being defined by a network (e.g. the company managing the private network) rather than a person (e.g. an operator or a user). Although rules can be executed in an abstract entity such as a company (or by an abstract entity, e.g. a network device), the rules are defined by people.

10. Claim 5 remains rejected due to the lack of clarity. See Response to Amendment for details.

For purposes of further examination the above are treated as best understood.

Claim Rejections - 35 USC § 103

11. Claims 1-2, 4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Firewalls as illustrated by *Pfleeger (Charles P. Pfleeger, "Security in computing", 2nd edition, 1996, ISBN: 0133374866)* and *Chapman (D. Brent Chapman and Elizabeth D. Zwicky, "Building Internet Firewalls", ISBN: 1565921240, 1995)* in view of *Gupta et al. (U.S. Patent No. 6389532)*.

As per claim 1-2, 8 and 10 *Pfleeger* teaches a firewall that filter all traffic between a protected or "inside" network and a less trustworthy or "outside" network *(Pfleeger, "What is a Firewall, pg. 428)*. Fig. 9-31 is an example of a firewall implemented between Local Area Network nodes and the Wide Area Networks. In particular *Pfleeger* teaches that a firewall *(in this case a screening router)* filters traffic based on the sender's and recipients addresses for example *(Pfleeger, "Screening Router" section, pg. 429-430)*.

This reads at leas on: "a storage unit for temporarily storing a data stream received from the computer network and addressed to a user terminal" and on "a control logic unit for filtering the multimedia data stream stored in the storage unit, the filtering authorizing or blocking transmission of the multimedia data stream to the terminal as

a function of particular criteria applied to the data stream received at the private access node".

12. **As per applicant's new limitations,** the discussed above Pfleeger's disclosure recites inside or Local Area Network, which the examiner considers to be a private network. Thus, user terminals disclosed by Pfleeger to be inside of the firewall are terminals connected to the private network. Furthermore, the main purpose of firewalls is to restrict traffic to private networks in order to protect private resources *(Chapman, "Preface", xxi, "What Is an Internet Firewall?" and "What Can a Firewall Do?" pg. 17-19)*; thus, the limitation of specifying particular filtering criteria by the private network is implicit.

13. The limitations of claim 4, if not inherent, are at least implicit. Filtering is not instantaneous. The rule comparison involves computer execution that takes time. Similarly implicit is that multimedia data stream has been received with particular standards (e.g. TCP/IP) and then transmitted to the terminal if conformance is found. The purpose of filtering is to allow only permitted data to reach the desired destination.

14. *Pleeger* does not explicitly teach analyzing a signature included in the data stream for the purpose of the filtering.

    Gupta et al. teach analyzing a signature included in the data stream for the purpose of the filtering *(Gupta et al., col. 2 lines 21-22).*

    It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include analyzing a signature included in the data stream for the

purpose of the filtering in *Pleeger's* invention. One of ordinary skill in the art would have been motivated to perform such a modification in order to accept the data stream only from the authorized sources.

15. Although neither *Pleeger* nor *Gupta et al.* explicitly teach that the data stream is a multimedia data stream *Pfleeger* in view of *Gupta et al.* applies to all data types as it does not preclude filtering the multimedia stream data. Furthermore, requesting and receiving a multimedia data stream is old and well-known in the art of computing *(e.g. Internet Browsing, U.S. Patent No. 6223292, in particular col. 6)*. One of ordinary skill in the art at the time of applicant's invention would have been motivated to extend *Pfleeger's* invention into the multimedia data stream in order to provide a comprehensive protection of protected resources.

16. The examiner points out that *Gupta et al.'s* teaching is used as an example of what is old and well-known practice: to include a signature indicating the existence of restrictions on the use of the multimedia data that it accompanies *(the fact that it is well known is also noted by applicant in the specification, pg. 3 §3)*. In addition it is old and well-known to perform signature analysis in order to identify whether any restriction should be done on the use of the data *(Active X, data integrity check in virus or intrusion detection environment)*.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to perform signature analysis in order to identify any restriction on the use of the data that the signature accompanies. One of ordinary skill in the art would

have been motivated to perform such a modification in order to take appropriate actions consistent with any discovered restrictions.

Performing signature analysis and at least temporarily blocking transmission of the multimedia data stream received from the network to a use if the multimedia data stream incorporates a signature characteristic of restricted signaling rights would be implicit in order to restrict spreading out of suspicious (e.g. malicious) data.

17. As per claim 9 *Pfleeger (in view of Gupta et al.)* in addition to exclusive access control *(based on the source/destination addresses and/or ports)* teach inclusive access control *(e.g. "allow in only communications destined to the host at 100.24.4.0", Pfleeger, pg. 429).*

18. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfleeger (Charles P. Pfleeger, "Security in computing", 2nd edition, 1996, ISBN: 0133374866)* alternatively in view of *Gupta et al. (U.S. Patent No. 6389532)* and further in view of *Cotten (U.S. Patent No. 6330590).*

19. *Pleeger* and *Gupta et al.* teach filtering an access control that decides to allow or disallow data transmission as discussed above.

20. Neither *Pleeger* nor *Gupta et al.* teach retaining non-conformance data to enable interruption of a subsequently received data stream.

Cotton teaches counting, for control purposes, the number of times that data of a particular content is received and retaining non-conformance data to enable interruption of a subsequently received data stream *(col. 3 line 46-col. 4 line 52).*

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to retain non-conformance data to enable interruption of a subsequently received data stream as taught by *Cotton*. One of ordinary skill in the art would have been motivated to perform such a modification in order to filter not only non-permitted but also unwanted data.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/13/06

GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100